MONTANA LEGISLATIVE HISTORY

Chapter 224 ~~19~~ 2003

Bill H _____ S 109 Original bill & history X C

H. Committee on BUSINESS & LABOR			S. Committee on BUSINESS & LABOR		
Hearing Date(s)	3/13	X C	Hearing Date(s)	1/17	X C
& EXEC. ACTION		C	EXEC. ACTION	1/22	X C
		C			C
		C			C
Date Out		C			

Did this bill originate in an interim committee? ____Yes ____No

Committee _____ Report _____

Bill Draft Number: LC0410
Bill Type - Number: SB 109
Short Title: Revise professional and occupational licensing laws
Primary Sponsor: Walter McNutt

Bill Actions - **Current Bill Progress:** Became Law

Bill Action Count: 56

Action - Most Recent First	Date	Votes Yes	Votes No	Committee
Chapter Number Assigned	04/03/2003			
(S) Signed by Governor	04/03/2003			
(S) Transmitted to Governor	03/31/2003			
(H) Signed by Speaker	03/28/2003			
(S) Signed by President	03/27/2003			
(S) Returned from Enrolling	03/25/2003			
(C) Sent to Printing	03/24/2003			
(S) Sent to Enrolling	03/22/2003			
(S) 3rd Reading Passed as Amended by House	03/20/2003	49	0	
(S) Scheduled for 3rd Reading	03/20/2003			
(S) 2nd Reading House Amendments Concurred on Voice Vote	03/19/2003	50	0	
(S) Scheduled for 2nd Reading	03/19/2003			
(H) Returned to Senate with Amendments	03/17/2003			
(H) 3rd Reading Concurred	03/17/2003	93	5	
(H) Scheduled for 3rd Reading	03/17/2003			
(H) 2nd Reading Concurred	03/15/2003	93	6	
(H) Scheduled for 2nd Reading	03/15/2003			
(C) Sent to Printing	03/13/2003			
(H) Committee Report--Bill Concurred as Amended	03/13/2003			(H) Business and Labor
(H) Committee Executive Action--Bill Concurred as Amended	03/13/2003	18	0	(H) Business and Labor
(H) Hearing	03/13/2003			(H) Business and Labor
(H) Referred to Committee	03/06/2003			(H) Business and Labor
(H) First Reading	03/06/2003			
(S) Revised Fiscal Note Printed	02/01/2003			
(S) Revised Fiscal Note Signed	01/31/2003			
(S) Revised Fiscal Note Received	01/30/2003			

(S) Transmitted to House	01/27/2003			
(S) 3rd Reading Passed	01/27/2003	46	4	
(S) Scheduled for 3rd Reading	01/27/2003			
(S) Revised Fiscal Note Requested	01/25/2003			
(S) 2nd Reading Passed	01/25/2003	40	8	
(S) 2nd Reading Motion to Amend Failed	01/25/2003	6	42	
(S) Scheduled for 2nd Reading	01/25/2003			
(C) Sent to Printing	01/23/2003			
(S) Committee Report--Bill Passed as Amended	01/23/2003			(S) Business and Labor
(S) Committee Executive Action--Bill Passed as Amended	01/23/2003	10	0	(S) Business and Labor
(S) Hearing	01/17/2003			(S) Business and Labor
(S) Fiscal Note Printed	01/09/2003			
(S) Fiscal Note Signed	01/08/2003			
(S) Fiscal Note Received	01/08/2003			
(S) First Reading	01/06/2003			
(S) Fiscal Note Requested	12/20/2002			
(S) Referred to Committee	12/20/2002			(S) Business and Labor
(C) Introduced Bill Text Available Electronically	12/19/2002			
(S) Introduced	12/19/2002			
(C) Pre-Introduction Letter Sent	12/18/2002			
(C) Pre-Introduction Letter Sent	12/18/2002			
(C) Draft in Assembly/Executive Director Review	12/03/2002			
(C) Draft in Final Drafter Review	12/03/2002			
(C) Bill Draft Text Available Electronically	12/02/2002			
(C) Draft in Input/Proofing	12/02/2002			
(C) Draft to Drafter - Edit Review [CMD]	11/26/2002			
(C) Draft in Edit	11/25/2002			
(C) Draft in Legal Review	11/25/2002			
(C) Draft to Requester for Review	11/06/2002			
(C) Draft Request Received	08/22/2002			

Sponsor, etc.

Sponsor, etc.	Last Name/Organization	First Name Mi
Requester	Economic Affairs Interim Committee	
Drafter	Campbell	Bart

By Request Of Department of Labor and Industry
Primary Sponsor McNutt Walter

Subjects

Description	Revenue/Approp.	Vote Majority Req.	Subject Code
Professions and Occupations E-N		Simple	PROE
Health (see also: Health Care Services; Safety)		Simple	HLTH

Additional Bill Information

Probable Fiscal Note: Yes
Preintroduction Required: Y
Session Law Ch. Number: 224
DEADLINE
Category: General Bills
Transmittal Date: 02/28/2003
Return (with 2nd house amendments) Date: 04/05/2003

Section Effective Dates

Section(s)	Effective Date	Date Qualified
All Sections	01-JUL-03	

SENATE BILL NO. 109

INTRODUCED BY W. MCNUTT

BY REQUEST OF THE DEPARTMENT OF LABOR AND INDUSTRY

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING PROFESSIONAL AND OCCUPATIONAL LICENSING LAWS; ADDING A PHARMACY TECHNICIAN TO THE BOARD OF PHARMACY; ADDING TWO REGISTERED NURSES TO THE BOARD OF NURSING; DEFINING "PHYSICIAN"; PROVIDING LICENSING AND OTHER REQUIREMENTS FOR DOCTORS OF OSTEOPATHY AND RECOGNIZING THEIR STATUS AS PHYSICIANS; MODIFYING REQUIREMENTS FOR PHYSICIAN RENEWAL FEES; MODIFYING REQUIREMENTS FOR LICENSE APPLICATIONS FOR DENTISTS; PROVIDING THAT LICENSEES UNDER THE BOARD OF MEDICAL EXAMINERS AND THE BOARD OF DENTISTRY MAY BE REFERRED TO AN IMPAIRMENT PROGRAM; PROVIDING THAT CERTAIN MEDICAL LICENSES THAT ARE NOT TIMELY RENEWED MAY BE CONSIDERED LAPSED RATHER THAN REVOKED; MODIFYING LICENSE RENEWAL REQUIREMENTS FOR ACUPUNCTURISTS; REMOVING THE REQUIREMENT THAT AN INTERNSHIP REQUIREMENT FOR MORTICIANS BE FULFILLED WITHIN THE STATE OF MONTANA; REMOVING A DATE REQUIREMENT FOR MORTICIAN EXAMINATIONS; MAKING THE ADOPTION OF CERTAIN RULES PERTAINING TO MIDWIFERY DISCRETIONARY; ALLOWING MIDWIFERY EXAMINATIONS TO BE PREPARED BY A NATIONAL TESTING ENTITY; MODIFYING OUTDATED LANGUAGE PERTAINING TO DENTURISTS; AMENDING SECTIONS 2-15-1733, 2-15-1734, 15-6-217, 37-3-102, 37-3-103, 37-3-203, 37-3-303, 37-3-304, 37-3-307, 37-3-313, 37-3-315, 37-3-345, 37-4-301, 37-4-311, 37-4-312, 37-4-402, 37-6-304, 37-12-102, 37-13-306, 37-19-302, 37-19-303, 37-20-302, 37-20-303, 37-26-301, 37-27-105, 37-27-202, 37-29-304, 39-71-116, AND 50-5-105,MCA; REPEALING SECTIONS 37-5-101, 37-5-102, 37-5-301, 37-5-302, 37-5-305, 37-5-307, AND 37-5-312, MCA; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 2-15-1733, MCA, is amended to read:

"2-15-1733. Board of pharmacy. (1) There is a board of pharmacy.

(2) The board consists of ~~five~~ six members appointed by the governor with the consent of the senate. Three members must be licensed pharmacists, one member must be a licensed pharmacy technician, and two members must be from the general public.

(a) Each licensed pharmacist member must have graduated and received the first professional undergraduate degree from the school of pharmacy of the university of Montana-Missoula or from an accredited pharmacy degree program that has been approved by the board. Each licensed pharmacist member must have at least 5 consecutive years of practical experience as a pharmacist immediately before appointment to the board. A licensed pharmacist member who, during the member's term of office, ceases to be actively engaged in the practice of pharmacy in this state must be automatically disqualified from membership on the board.

(b) A licensed pharmacy technician member must have at least 5 consecutive years of practical experience as a pharmacy technician immediately before appointment to the board. A licensed pharmacy technician member who, during the member's term of office, ceases to be actively engaged as a pharmacy technician in this state must be automatically disqualified from membership on the board.

~~(b)~~(c) Each public member of the board must be a resident of the state and may not be or ever have been:

(i) a member of the profession of pharmacy or the spouse of a member of the profession of pharmacy;

(ii) a person having any material financial interest in the providing of pharmacy services; or

(iii) a person who has engaged in any activity directly related to the practice of pharmacy.

(3) Members shall serve staggered 5-year terms. A member may not serve more than two consecutive full terms. For the purposes of this section, an appointment to fill an unexpired term does not constitute a full term.

(4) A member must be removed from office by the governor:

(a) upon proof of malfeasance or misfeasance in office, after reasonable notice of charges against the member and after a hearing; or

(b) upon refusal or inability to perform the duties of a board member in an efficient, responsible, and professional manner.

(5) The board is allocated to the department for administrative purposes only as prescribed in 2-15-121."

Section 2. Section 2-15-1734, MCA, is amended to read:

"2-15-1734. Board of nursing. (1) There is a board of nursing.

(2) The board consists of ~~nine~~ 11 members appointed by the governor with the consent of the senate. The members are:

(a) ~~four~~ six registered professional nurses~~; at~~. At least one ~~such~~ member ~~shall~~ must have had at least 5 years in administrative, teaching, or supervisory experience in one or more schools of nursing and at least one

~~such~~ member must be currently engaged in the administration, supervision, or provision of direct client care. Each member ~~shall~~ must:

(i) be a graduate of an approved school of nursing;

(ii) be a licensed registered professional nurse in this state;

(iii) have had at least 5 years' experience in nursing following graduation; and

(iv) be currently engaged in the practice of professional nursing and have practiced for at least 5 years.

(b) three practical nurses. Each ~~shall~~ must:

(i) be a graduate of a school of practical nursing;

(ii) be a licensed practical nurse in this state;

(iii) have had at least 5 years' experience as a practical nurse; and

(iv) be currently engaged in the practice of practical nursing and have practiced for at least 5 years.

(c) two public members who are not medical practitioners, involved in the practice of nursing or employment of nursing, or administrators of Montana health care facilities.

(3) All members ~~shall~~ must have been residents of this state for at least 1 year before appointment and be citizens of the United States.

(4) All members shall serve staggered 4-year terms, and a member may not be appointed for more than two consecutive terms. The governor may remove a member from the board for neglect of a duty required by law or for incompetency or unprofessional or dishonorable conduct.

(5) The board is allocated to the department for administrative purposes only as prescribed in 2-15-121."

Section 3. Section 15-6-217, MCA, is amended to read:

"15-6-217. Exemption for vehicle of certain health care professionals. A motor vehicle that is brought, driven, or coming into this state is exempt from the registration fees imposed in 15-24-301 if the motor vehicle is registered in another state or country by a nonresident person who is a licensed health care professional, as provided in Title 37, chapter 3, ~~5,~~ 8, 11, 14, 20, 21, 25, 28, or 34, and who is employed in Montana by a rural health care facility that is located in an area that has been:

(1) designated by the secretary of the federal department of health and human services as a health professional shortage area, as provided in 42 U.S.C. 254(e); or

(2) determined to have a critical shortage of nurses, as provided in 42 U.S.C. 297n(a)(3)."

Section 4. Section 37-3-102, MCA, is amended to read:

"37-3-102. Definitions. Unless the context requires otherwise, in this chapter, the following definitions apply:

(1) "Approved internship" means an internship training program of at least 1 year in a hospital that is either approved for intern training by the American osteopathic association or conforms to the minimum standards for intern training established by the council on medical education of the American medical association or successors. However, the board may, upon investigation, approve any other internship.

(2) "Approved medical school" means a school that either is accredited by the American osteopathic association or conforms to the minimum education standards established by the council on medical education of the American medical association or successors for medical schools or is equivalent in the sound discretion of the board. The board may, on investigation of the education standards and facilities, approve any medical school, including foreign medical schools.

(3) "Approved residency" means a residency training program in a hospital conforming to the minimum standards for residency training established by the council on medical education of the American medical association or successors or approved for residency training by the American osteopathic association. However, the board may upon investigation approve any other residency.

(4) "Board" means the Montana state board of medical examiners provided for in 2-15-1731.

(5) "Department" means the department of labor and industry provided for in Title 2, chapter 15, part 17.

(6) "Physician" means a person who holds a degree as a doctor of medicine or doctor of osteopathy and who has a valid license to practice medicine or osteopathic medicine in this state.

~~(6)~~(7) "Practice of medicine" means the diagnosis, treatment, or correction of or the attempt to or the holding of oneself out as being able to diagnose, treat, or correct human conditions, ailments, diseases, injuries, or infirmities, whether physical or mental, by any means, methods, devices, or instrumentalities. If a person who does not possess a license to practice medicine in this state under this chapter and who is not exempt from the licensing requirements of this chapter performs acts constituting the practice of medicine, the person is practicing medicine in violation of this chapter."

Section 5. Section 37-3-103, MCA, is amended to read:

"37-3-103. Exemptions from licensing requirements. (1) This chapter does not prohibit or require a license with respect to any of the following acts:

(a) the gratuitous rendering of services in cases of emergency or catastrophe;

(b) the rendering of services in this state by a physician lawfully practicing medicine in another state or territory. However, if the physician does not limit the services to an occasional case or if the physician has any established or regularly used hospital connections in this state or maintains or is provided with, for the physician's regular use, an office or other place for rendering the services, the physician must possess a license to practice medicine in this state.

(c) the practice of dentistry under the conditions and limitations defined by the laws of this state;

(d) the practice of podiatry under the conditions and limitations defined by the laws of this state;

(e) the practice of optometry under the conditions and limitations defined by the laws of this state;

~~(f) the practice of osteopathy under the conditions and limitations defined in chapter 5 of this title for those doctors of osteopathy who do not receive a physician's certificate under this chapter;~~

~~(g)~~(f) the practice of chiropractic under the conditions and limitations defined by the laws of this state;

~~(h)~~(g) the practice of Christian Science, with or without compensation, and ritual circumcisions by rabbis;

~~(i)~~(h) the performance by commissioned medical officers of the United States public health service or of the United States department of veterans affairs of their lawful duties in this state as officers;

~~(j)~~(i) the rendering of nursing services by registered or other nurses in the lawful discharge of their duties as nurses or of midwife services by registered nurse-midwives under the supervision of a licensed physician;

~~(k)~~(j) the rendering of services by interns or resident physicians in a hospital or clinic in which they are training, subject to the conditions and limitations of this chapter. The board may require a resident physician to be licensed if the physician otherwise engages in the practice of medicine in the state of Montana.

~~(l)~~(k) the rendering of services by a physical therapist, technician, or other paramedical specialist under the appropriate amount and type of supervision of a person licensed under the laws of this state to practice medicine, but this exemption does not extend the scope of a paramedical specialist;

~~(m)~~(l) the rendering of services by a physician assistant-certified in accordance with Title 37, chapter 20;

~~(n)~~(m) the practice by persons licensed under the laws of this state to practice a limited field of the healing arts, and not specifically designated, under the conditions and limitations defined by law;

~~(o)~~(n) the execution of a death sentence pursuant to 46-19-103;

~~(p)~~(o) the practice of direct-entry midwifery. For the purpose of this section, the practice of direct-entry midwifery means the advising, attending, or assisting of a woman during pregnancy, labor, natural childbirth, or the postpartum period. Except as authorized in 37-27-302, a direct-entry midwife may not dispense or administer a prescription drug, as those terms are defined in 37-7-101.

~~(q)~~(p) the use of an automated external defibrillator pursuant to Title 50, chapter 6, part 5.

(2) Licensees referred to in subsection (1) who are licensed to practice a limited field of healing arts shall confine themselves to the field for which they are licensed or registered and to the scope of their respective licenses and, with the exception of those licensees who hold a medical degree, may not use the title "M.D." or any word or abbreviation to indicate or to induce others to believe that they are engaged in the diagnosis or treatment of persons afflicted with disease, injury, or defect of body or mind except to the extent and under the conditions expressly provided by the law under which they are licensed."

Section 6. Section 37-3-203, MCA, is amended to read:

"37-3-203. Powers and duties. The board may:

(1) adopt rules necessary or proper to carry out parts 1 through 3 of this chapter. The rules must be fair, impartial, and nondiscriminatory.

(2) hold hearings and take evidence in matters relating to the exercise and performance of the powers and duties vested in the board;

(3) aid the county attorneys of this state in the enforcement of parts 1 through 3 of this chapter and the prosecution of persons, firms, associations, or corporations charged with violations of parts 1 through 3 of this chapter;

(4) establish a program to assist and rehabilitate ~~licensed physicians~~ licensees subject to the jurisdiction of the board who are found to be physically or mentally impaired by habitual intemperance or the excessive use of addictive drugs, alcohol, or any other drug or substance or by mental or chronic physical illness;

(5) select an executive secretary to be hired by the department to:

(a) provide services to the board in connection with the board's duties under this chapter;

(b) assist in prosecution and matters of license discipline under this chapter; and

(c) administer the board's affairs; and

(6) fund additional staff, hired by the department, to administer the provisions of this chapter, by increasing license fees as necessary."

Section 7. Section 37-3-303, MCA, is amended to read:

"37-3-303. Practice authorized by physician's certificate. ~~The~~ A physician's certificate authorizes the holder to perform one or more of the acts embraced in 37-3-102~~(6)~~(7) in a manner reasonably consistent with ~~his~~ the holder's training, skill, and experience."

Section 8. Section 37-3-304, MCA, is amended to read:

"37-3-304. Practice authorized by temporary certificate. (1) ~~The~~ A temporary certificate, which may be issued to any citizen or to an alien otherwise qualified for a physician's certificate ~~and which may be issued for a period not to exceed 1 year, subject to renewal for additional periods of 1 year but not to exceed five such renewals, at the discretion of the board~~, authorizes the holder to perform one or more of the acts embraced in 37-3-102~~(6)~~(7) in a manner reasonably consistent with ~~his~~ the holder's training, skill, and experience, subject~~, nevertheless,~~ to all specifications, conditions, and limitations imposed by the board.

(2) A temporary certificate may not be issued for a period that exceeds 1 year. However, the certificate may be renewed, at the board's discretion, for additional 1-year periods but may not be renewed more than five times."

Section 9. Section 37-3-307, MCA, is amended to read:

"37-3-307. Qualifications for licensure -- temporary certificate. (1) The board may authorize the department to issue to an applicant a temporary certificate to practice medicine on the basis of:

(a) passing an examination given and graded by the department, subject to 37-1-101;

(b) certification of record or other certificate of examination issued to or for the applicant by the national board of medical examiners or successors, by the federation licensing examination committee or successors, by the national board of osteopathic medical examiners or successors, or by the medical council of Canada or successors if the applicant is a graduate of a Canadian medical school which has been approved by the medical council of Canada or successors, certifying that the applicant has passed an examination given by the board; or

(c) a valid, unsuspended, and unrevoked license or certificate issued to the applicant on the basis of an examination by an examining board under the laws of another state or territory of the United States or of the District of Columbia or of a foreign country whose licensing standards at the time the license or certificate was issued were essentially equivalent, in the judgment of the board, to those of this state at the time for granting a license to practice medicine; and

(d) being a graduate of an approved medical school who has completed 1 year of internship or its equivalent and being of good moral character and good conduct.

(2) The board may require that graduates of foreign medical schools pass the examination given by the education council for foreign medical graduates or successors.

(3) A temporary ~~license~~ certificate may be issued to a physician employed by a public institution who

is practicing under the direction of a licensed physician. The board may authorize the department to issue a temporary ~~license~~ certificate subject to terms of probation or other conditions or limitations set by the board or may refuse a temporary ~~license~~ certificate to a person ~~if he~~ who has committed unprofessional conduct. The issuance of a temporary certificate ~~imposes no~~ does not impose any future obligation or duty on the part of the board to grant full licensure or to renew or extend the temporary ~~license~~ certificate. The board may, in the case of an applicant for a temporary certificate, require a written, oral, or practical examination of the applicant."

Section 10. Section 37-3-313, MCA, is amended to read:

"37-3-313. ~~Registration~~ Renewal fees -- failure to pay -- limiting authority to impose ~~registration~~ renewal fees. (1) In addition to the license fees required of applicants, a licensed physician actively practicing medicine in this state shall pay to the department a ~~registration~~ renewal fee as prescribed by the board.

(2) The payments for ~~registration~~ renewal must be made prior to the expiration date of the ~~registration~~ license, as set forth in a department rule~~, and a receipt acknowledging payment of the registration fee must be issued by the department~~. The department shall mail ~~registration~~ renewal notices ~~at least 60 days~~ before the ~~registration~~ renewal is due.

(3) In case of default in the payment of the ~~registration~~ renewal fee by a person licensed to practice medicine who is actively practicing medicine in this state, the underlying ~~certificate~~ license to practice medicine may be ~~revoked~~ considered lapsed by the board ~~on 30 days' notice given to the delinquent of the time and place of considering the revocation. A registered or certified letter addressed to the last-known address of the person failing to comply with the requirements of registration, as the address appears on the records of the department, constitutes sufficient notice of intention to revoke the underlying certificate. A certificate may not be revoked for nonpayment if the person authorized to practice medicine, and notified, pays the registration fee before or at the time fixed for consideration of revocation, together with a delinquency penalty prescribed by the board. The department may collect the dues by an action at law.~~

(4) A ~~registration or~~ license or renewal fee may not be imposed on a licensee under this chapter by a municipality or any other subdivision of the state."

Section 11. Section 37-3-315, MCA, is amended to read:

"37-3-315. Qualifications for licensure -- restricted certificate -- suspension -- practice authorized. (1) A person may not be granted a restricted license to practice medicine in this state unless the person:

(a) is of good moral character, as determined by the board;

(b) is a graduate of an approved medical school or college of osteopathic medicine;

(c) is licensed and engaged in the active practice of medicine or osteopathic medicine in another state or foreign country, whose licensing standards are acceptable to the board;

(d) has never been subject to license discipline in any form;

(e) demonstrates evidence of research and publication:

(i) in a peer-reviewed medical journal in the English language;

(ii) in the 2 years preceding receipt of the application; and

(iii) that demonstrate the applicant's competency in the field of medicine in which the restricted license is requested;

(f) has been accepted for privileges in a hospital pending licensure by the board;

(g) has demonstrated to the satisfaction of the board the applicant's knowledge, skills, and abilities by providing evidence of at least one of the following criteria:

(i) at least 3 years' postgraduate clinical training in a formal education program;

(ii) board certification in a specialty recognized or certified by the American board of medical specialties; ~~or~~

(iii) board certification in a specialty recognized or certified by the American osteopathic association; or

~~(iii)~~(iv) passing, in the 75th percentile or higher, a board-approved state or national examination in medicine, such as the United States medical licensing examination, the comprehensive osteopathic medical licensing examination, the special purpose examination, the comprehensive osteopathic medical variable-purpose examination, an examination given by the educational commission for foreign medical graduates, or the licensing examination of another state or territory of the United States or Canada;

(h) has submitted a completed application file, which has been reviewed by the board, and has made a personal appearance before the board; and

(i) is able to communicate, in the opinion of the board, in the English language. Passing an examination given by the educational commission for foreign medical graduates or the test of English as a foreign language constitutes prima facie evidence of ability to communicate in the English language.

(2) The restricted license is suspended and subject to revocation after a hearing pursuant to the Montana Administrative Procedure Act upon one of the following:

(a) restriction, termination, or other cessation of the licensee's hospital privileges; or

(b) proof of one of the conditions or offenses identified in 37-3-323.

(3) The holder of a restricted license is limited to the practice of medicine specifically approved by the

board after consideration of the applicant's training, skill, and experience. All restrictions, specifications, conditions, and limitations imposed by the board must be stated on the restricted certificate."

Section 12. Section 37-3-345, MCA, is amended to read:

"37-3-345. Qualifications for telemedicine certificate -- basis for denial. The board may not grant a telemedicine certificate to a physician unless the physician has established under oath that the physician:

(1) has a full, active, unrestricted certificate or license to practice medicine or osteopathic medicine in another state or territory of the United States or the District of Columbia;

(2) is board-certified or meets the current requirements to take the examination to become board-certified in a medical specialty pursuant to the standards of, and approved by, the American board of medical specialties or the American osteopathic association bureau of osteopathic specialists;

(3) has no history of disciplinary action or limitation of any kind imposed by a state or federal agency in a jurisdiction where the physician is or has ever been licensed to practice medicine;

(4) is not the subject of a pending investigation by a state medical board or another state or federal agency;

(5) has no history of conviction of a crime related to the physician's practice of medicine;

(6) has submitted proof of current malpractice or professional negligence insurance coverage in the amount to be set by the rules of the board;

(7) has not paid, or had paid on the physician's behalf, on more than three claims of professional malpractice or negligence within the 5 years preceding the physician's application for a telemedicine certificate;

(8) has identified an agent for service of process in Montana who is registered with the secretary of state and the board and who may be a physician certified to practice medicine in this state;

(9) has paid an application fee in an amount set by the rules of the board; and

(10) has submitted as a part of the application form a sworn statement attesting that the physician has read, understands, and agrees to abide by Title 37, chapters 1 and 3, and the administrative rules governing the practice of medicine in Montana."

Section 13. Section 37-4-301, MCA, is amended to read:

"37-4-301. Examination -- qualifications -- fees -- certification. (1) Applicants for licensure shall take and pass an examination in order to be licensed. The examination ~~shall~~ must consist of a written part and a practical or clinical part. It may also include, at the board's discretion, an oral interview with the board, which may

include questions pertaining to the practice of dentistry. The board may accept, in satisfaction of the written part, successful completion of an examination by the national board of dental examiners and, whenever the board determines necessary, successful completion of a board examination in jurisprudence to be administered at times and places approved by the board. The board may accept, in satisfaction of the practical part, successful completion of an examination by a board-designated regional testing service.

(2) Acceptance by the board of ~~such~~ a written and practical examination ~~shall~~ must be conditioned on evidence that the examination is sufficiently thorough to test the fitness of the applicant to practice dentistry. ~~It shall~~ The examination must include, written in the English language, questions on anatomy, histology, physiology, chemistry, pharmacology and therapeutics, metallurgy, pathology, bacteriology, anesthesia, operative and surgical dentistry, prosthetic dentistry, prophylaxis, orthodontics, periodontics and endodontics, and any additional subjects pertaining to dental service.

(3) The board has the right to administer its own examination in lieu of acceptance of the national board written examination and a regional testing service practical examination. The board is authorized to make rules governing ~~any such~~ examination procedures.

(4) Applicants for licensure shall submit an application, which ~~shall~~ must include, when required:

(a) certification of successful completion of the national board written examination;

(b) certification of successful completion of a regional board practical examination;

(c) three affidavits of good moral character;

(d) certificate of graduation from a board-approved dental school;

(e) an examination fee commensurate with costs and set by the board;

(f) ~~a licensure~~ an application fee commensurate with costs and set by the board;

(g) a recent photograph of the applicant; and

(h) copies of all other state licenses that are held by the applicant.

~~(5) Applications must be submitted no less than 20 days prior to the board interview and jurisprudence examination.~~

~~(6)~~(5) Applicants may not take the jurisprudence examination or the oral interview without first having completed and passed all other parts of the examination.

~~(7)~~(6) Examination results will be accepted for a period of time as set by board rule. An applicant failing to pass ~~his~~ the first examination, if otherwise qualified, may take a subsequent examination upon payment of a fee commensurate with costs and set by the board.

~~(8)~~(7) The board is authorized to adopt necessary and reasonable rules governing application

procedures."

Section 14. Section 37-4-311, MCA, is amended to read:

"37-4-311. Rehabilitation. The board shall establish a protocol for the referral to a board-approved rehabilitation program for ~~licensed dentists~~ licensees subject to the jurisdiction of the board who are found to be physically or mentally impaired by habitual intemperance or the excessive use of addictive drugs, alcohol, or any other drug or substance or by mental illness or chronic physical illness."

Section 15. Section 37-4-312, MCA, is amended to read:

"37-4-312. Report of incompetence or unprofessional conduct. (1) Notwithstanding any provision of state law dealing with confidentiality, each ~~licensed dentist~~ licensee, professional standards review organization, the Montana dental association or any component society of the association, and any other person may report to the board any information that the ~~dentist~~ licensee, organization, association, society, or person has that appears to show that a ~~dentist~~ licensee is physically or mentally impaired by habitual intemperance or excessive use of addictive drugs, alcohol, or any other drug or substance or by mental illness or chronic physical illness.

(2) (a) Information that relates to possible physical or mental impairment connected to habitual intemperance or the excessive use of addictive drugs, alcohol, or any other drug or substance by a licensee or to other mental or chronic physical illness of a licensee may be reported to the appropriate personnel of the program endorsed by the board under 37-4-311 in lieu of reporting directly to the board.

(b) The program personnel referred to in subsection (2)(a) shall report to the board the identity of a licensee and all facts and documentation in their possession if:

(i) the licensee fails or refuses to comply with a reasonable request that the licensee undergo a mental, physical, or chemical dependency evaluation or a combination of evaluations;

(ii) the licensee fails or refuses to undergo a reasonable course of treatment that ~~they~~ the program personnel recommend, including reasonable aftercare;

(iii) the licensee fails or refuses to satisfactorily complete a reasonable evaluation, a course of treatment, or aftercare; or

(iv) the licensee's condition creates a risk of harm to the licensee, a patient, or others.

(3) This section applies to professional standards review organizations only to the extent that the organizations are not prohibited from disclosing information under federal law."

Section 16. Section 37-4-402, MCA, is amended to read:

"37-4-402. License -- examination. (1) The department may issue licenses for the practice of dental hygiene to qualified applicants to be known as dental hygienists.

(2) Except as provided by rules adopted under 37-1-319, a person may not engage in the practice of dental hygiene or practice as a dental hygienist in this state until the person has passed an examination approved by the board under rules it considers proper and has been issued a license by the department.

(3) Applicants for licensure shall take and pass an examination in order to be licensed. The examination ~~shall~~ must consist of a written part and a practical or clinical part. The board may accept, in satisfaction of the written part, successful completion of an examination by the national board of dental examiners and, whenever the board determines necessary, successful completion of a board examination in jurisprudence. The board may accept, in satisfaction of the practical part, successful completion of an examination by a board-designated regional testing service.

(4) The board has the right to administer its own examination in lieu of acceptance of the national board written examination and a regional testing service practical examination. The board is authorized to make rules governing examination procedures.

(5) Applicants for licensure shall submit an application, which must include, when required:

(a) certification of successful completion of the national board written examination;

(b) certification of successful completion of a regional board practical examination;

(c) two affidavits of good moral character;

(d) certificate of graduation from a board-approved dental hygiene school;

(e) an examination fee commensurate with costs and set by the board;

(f) ~~a licensure~~ an application fee commensurate with costs and set by the board;

(g) a recent photograph of the applicant; and

(h) copies of all other state licenses that are held by the applicant.

(6) ~~Applications must be submitted no less than 20 days prior to the jurisprudence examination.~~ Applicants may not take the jurisprudence examination without first having completed and passed all other parts of the examination.

(7) Examination results will be accepted for a period of time as set by board rule. An applicant failing to pass the first examination, if otherwise qualified, may take a subsequent examination on payment of a fee commensurate with costs and set by the board.

(8) The board is authorized to adopt necessary and reasonable rules governing application procedures."

Section 17. Section 37-6-304, MCA, is amended to read:

"37-6-304. Designations on license -- recording -- renewal -- display. (1) A license issued under this chapter is designated as a "registered podiatrist's license" or a "temporary podiatrist's license".

(2) Licenses must be recorded by the department the same as other medical licenses.

(3) Licenses must be renewed on a date set by department rule.

(4) A license renewal fee set by the board must be paid on a date set by department rule.

(5) The department shall mail renewal notices ~~no later than 60 days~~ prior to the renewal date.

(6) If the renewal fee is not paid on or before the renewal date, the board may ~~revoke the licensee's certificate after giving 30 days' notice to the licensee~~ consider the license lapsed. ~~A certified letter addressed to the delinquent licensee's last-known address as it appears on the records of the department constitutes notice of intent to revoke the certificate. A certificate may not be revoked for nonpayment of a renewal fee if the licensee pays the renewal fee plus a penalty prescribed by the board on or before the date fixed for revocation.~~

~~(7) A license revoked for nonpayment of the renewal fee may be reissued only on original application and payment of an additional fee prescribed by the board.~~

~~(8) Licenses must be conspicuously displayed by podiatrists at their offices or other places of practice.~~"

Section 18. Section 37-12-102, MCA, is amended to read:

"37-12-102. Exemptions -- limitations on construction of chapter. ~~Nothing in this~~ This chapter ~~shall~~ may not be construed to restrain or restrict any legally licensed physician or surgeon or any legally licensed osteopath in the practice of ~~his profession~~ those professions. The practice of chiropractic as ~~herein~~ defined in this chapter is ~~hereby~~ declared not to be the practice of medicine or surgery within the meaning of the laws of the state of Montana defining ~~the same~~ medicine and surgery and is further declared not to be the practice of osteopathy within the meaning of the laws of the state of Montana defining ~~the same~~ osteopathy. ~~Duly licensed~~ Licensed chiropractors ~~shall~~ are not ~~be~~ subject to the provisions of ~~chapter 5 of~~ this title pertaining to the practice of osteopathy or liable to any prosecution ~~thereunder~~ under those provisions."

Section 19. Section 37-13-306, MCA, is amended to read:

"37-13-306. Renewal -- fee ~~-- military exemption~~. ~~(1)~~ The license to practice acupuncture must be renewed on a date set by the department, without examination and upon request of the licensee. The request for renewal must be on forms prescribed by the board and accompanied by a renewal fee prescribed by the board. The request and fee must be ~~in the hands of the secretary of the board~~ received at the board's office not

later than the expiration date of the license.

~~(2) Immediately following the renewal date, the secretary shall notify all licensees from whom requests for renewal, accompanied by the renewal fee, have not been received that their licenses have expired and that they will be canceled and revoked upon the records of the board unless a request for renewal and reinstatement, accompanied by the renewal fee and an additional fee prescribed by the board, is in the hands of the secretary within 30 days of the renewal date.~~

~~(3) If the licensee fails to renew within 30 days following the renewal date, the secretary of the board shall cancel and revoke upon the board's records all licenses that have not been renewed or reinstated as provided by this chapter and shall notify the licensees whose licenses are revoked of the action.~~

~~(4) A licensee who allows the license to lapse by failing to renew or reinstate the license as provided in this section may subsequently reinstate the license upon good cause shown to the satisfaction of the board and upon payment of all renewal fees then accrued plus an additional fee prescribed by the board for each renewal period following the cancelling of the license.~~

~~(5) A person actively engaged in the military service of the United States and licensed to practice acupuncture as provided in this part is not required to pay the renewal fee or make application for renewal until the renewal date of the calendar period in which the person returns from military service to civilian or inactive status.~~"

Section 20. Section 37-19-302, MCA, is amended to read:

"**37-19-302. License required for practice of mortuary science -- qualifications of applicants.** (1) The practice of embalming or mortuary science by anyone who does not hold a mortician's license issued by the board is prohibited. A person 18 years of age or older wishing to practice mortuary science in this state must apply to the board on the form and in the manner prescribed by the board.

(2) To qualify for a mortician's license, a person must:

(a) be of good moral character;

(b) present evidence of having satisfactorily completed 90 quarter credits or the equivalent of study at an accredited college or university;

(c) in addition to the 90 quarter credits or the equivalent of study required in subsection (2)(b), have graduated with a diploma from an accredited college of mortuary science;

(d) pass an examination prescribed by the board; and

(e) serve a 1-year internship under the supervision of a licensed mortician in a licensed mortuary ~~in~~

~~Montana~~ after passing the examination provided for in subsection (2)(d).

(3) A person who fails the examination required in subsection (2)(d) may retake it under conditions prescribed by rule of the board."

Section 21. Section 37-19-303, MCA, is amended to read:

"37-19-303. Mortician's license -- application fee. A person possessing the necessary qualifications may apply to the department for a license and on payment of an application fee, as set by the board, may take the examination prescribed by the board. ~~The examination shall be held on the second Wednesday of July each year in Helena and at such other times and places as the board considers necessary.~~"

Section 22. Section 37-20-302, MCA, is amended to read:

"37-20-302. Utilization plan approval fee -- renewal of license -- renewal fee. (1) A utilization plan approval fee must be paid in an amount set by the board. Payment must be made when the utilization plan is submitted to the board and is not refundable.

(2) A locum tenens utilization plan approval fee must be paid in an amount set by the board.

(3) A license issued under this part must be renewed for a period and on a date set by the department of labor and industry.

(4) A license renewal fee set by the board must be paid at the time the license is renewed.

(5) The department of labor and industry shall mail a renewal notice ~~no later than 60 days~~ prior to the renewal date. ~~A certified letter addressed to the delinquent licensee's last-known address as it appears on the records of the department constitutes notice of intent to revoke the license.~~

(6) If the license renewal fee is not paid on or before the renewal date, the board may ~~revoke~~ consider the license ~~after giving 30 days' notice to the licensee~~ lapsed. ~~A license may not be revoked for nonpayment of a renewal fee if the licensee pays the renewal fee plus a penalty prescribed by the board on or before the date fixed for revocation.~~

(7) Fees received by the department of labor and industry must be deposited in the state special revenue fund for use by the board in the administration of this chapter, subject to 37-1-101(6)."

Section 23. Section 37-20-303, MCA, is amended to read:

"37-20-303. Exemptions from approval requirement. This chapter does not require the approval of a physician assistant-certified utilization plan or locum tenens utilization plan with respect to any acts within the

professional competence of a person licensed under the provisions of Title 37, chapters 3, 4, 6 through 17, 31, or 32."

Section 24. Section 37-26-301, MCA, is amended to read:

"37-26-301. Practice of naturopathic health care -- alternative health care formulary committee. (1) Naturopathic physicians may practice naturopathic medicine as a limited practice of the healing arts as exempted in 37-3-103(1)~~(n)~~(m), with the following restrictions. A naturopathic physician may not:

(a) prescribe, dispense, or administer any legend drug, as defined in 50-31-301, except for whole gland thyroid; homeopathic preparations; the natural therapeutic substances, drugs, and therapies described in subsection (2); and oxytocin (pitocin), provided that the naturopathic physician may administer but may not prescribe or dispense oxytocin (pitocin);

(b) administer ionizing radioactive substances for therapeutic purposes;

(c) perform surgical procedures except those minor surgery procedures authorized by this chapter; or

(d) claim to practice any licensed health care profession or system of treatment other than naturopathic medicine unless holding a separate license in that profession.

(2) Naturopathic physicians may prescribe and administer for preventive and therapeutic purposes the following natural therapeutic substances, drugs, and therapies, as well as drugs on the natural substance formulary list provided for in subsection (3):

(a) food, food extracts, vitamins, minerals, enzymes, whole gland thyroid, botanical medicines, homeopathic preparations, and oxytocin (pitocin);

(b) topical drugs, health care counseling, nutritional counseling and dietary therapy, naturopathic physical applications, therapeutic devices, and nonprescription drugs; and

(c) barrier devices for contraception, naturopathic childbirth attendance, and minor surgery.

(3) A five-member alternative health care formulary committee appointed by the board shall establish a natural substance formulary list. The committee consists of a licensed pharmacist plus four members of the board, two of whom must be licensed naturopathic physicians, one who must be a licensed medical doctor, and one who must be a public member. The list may not go beyond the scope of substances covered by approved naturopathic college curricula or continuing education and must be reviewed annually by the committee. Changes to the list that are recommended by the committee and accepted by the board must be published as administrative rules.

(4) Naturopathic physicians may perform or order for diagnostic purposes a physical or orificial

examination, ultrasound, phlebotomy, clinical laboratory test or examination, physiological function test, and any other noninvasive diagnostic procedure commonly used by physicians in general practice and as authorized by 37-26-201(2).

(5) Except as provided by this subsection, it is unlawful for a naturopath to engage, directly or indirectly, in the dispensing of any drugs that a naturopath is authorized to prescribe by subsection (2). If the place where a naturopath maintains an office for the practice of naturopathy is more than 10 miles from a place of business that sells and dispenses the drugs a naturopath may prescribe under subsection (2), then, to the extent the drugs are not available within 10 miles of the naturopath's office, the naturopath may sell the drugs that are unavailable."

Section 25. Section 37-27-105, MCA, is amended to read:

"37-27-105. General powers and duties of board -- rulemaking authority. (1) The board shall:

(a) meet at least once annually, and at other times as agreed upon, to elect officers and to perform the duties described in this section; and

(b) administer oaths, take affidavits, summon witnesses, and take testimony as to matters within the scope of the board's duties.

(2) The board shall have the authority to administer and enforce all the powers and duties granted statutorily or adopted administratively.

(3) The board shall adopt rules to administer this chapter. The rules ~~must~~ may include but are not limited to:

(a) the development of a license application and examination, criteria for and grading of examinations, and establishment of examination and license fees commensurate with actual costs;

(b) the issuance of a provisional license to midwives who filed the affidavit required by section 2, Chapter 493, Laws of 1989;

(c) the establishment of criteria for minimum educational, apprenticeship, and clinical requirements that, at a minimum, meet the standards established in 37-27-201;

(d) the development of eligibility criteria for client screening by direct-entry midwives in order to achieve the goal of providing midwifery services to women during low-risk pregnancies;

(e) the development of procedures for the issuance, renewal, suspension, and revocation of licenses;

(f) the adoption of disciplinary standards for licensees;

(g) the development of standardized informed consent and reporting forms;

(h) the adoption of ethical standards for licensed direct-entry midwives;

(i) the adoption of supporting documentation requirements for primary birth attendants; and

(j) the establishment of criteria limiting an apprenticeship that, at a minimum, meets the standards established in 37-27-201."

Section 26. Section 37-27-202, MCA, is amended to read:

"37-27-202. Examination -- preparation -- requirements. (1) An examination for a license to practice direct-entry midwifery must be prepared by a ~~certified nurse-midwife designated by the board in consultation with the physician on~~ national testing agency approved by the board.

(2) Examinations must be conducted once each year, be fair and impartial, and be sufficiently comprehensive to adequately test the applicant's competence and ability.

(3) In order to be licensed, a person ~~shall~~ must attain a passing grade on the examination, as set by the board.

(4) A person who fails to achieve a passing grade on the examination may not engage in the practice of midwifery."

Section 27. Section 37-29-304, MCA, is amended to read:

"37-29-304. ~~Applications and fees~~ Fees. ~~(1) The board is initially entitled to charge and collect the following fees:~~

~~(a) $200 application for licensing;~~

~~(b) $200 for original license;~~

~~(c) $200 license renewal fee;~~

~~(d) $200 for examination or reexamination, provided that if on reexamination only the written examination is required, the fee is $100; and~~

~~(e) $50 for a duplicate or replacement license or a license for a second address, provided that a denturist may not hold licenses bearing more than two different addresses.~~

~~(2)~~ The board ~~may~~ shall set ~~other~~ fees ~~and modify the initial fees~~ commensurate with costs in accordance with the provisions of 37-1-134."

Section 28. Section 39-71-116, MCA, is amended to read:

"39-71-116. Definitions. Unless the context otherwise requires, in this chapter, the following definitions

apply:

(1) "Actual wage loss" means that the wages that a worker earns or is qualified to earn after the worker reaches maximum healing are less than the actual wages the worker received at the time of the injury.

(2) "Administer and pay" includes all actions by the state fund under the Workers' Compensation Act and the Occupational Disease Act of Montana necessary to:

(a) investigation, review, and settlement of claims;

(b) payment of benefits;

(c) setting of reserves;

(d) furnishing of services and facilities; and

(e) use of actuarial, audit, accounting, vocational rehabilitation, and legal services.

(3) "Aid or sustenance" means a public or private subsidy made to provide a means of support, maintenance, or subsistence for the recipient.

(4) "Average weekly wage" means the mean weekly earnings of all employees under covered employment, as defined and established annually by the department. It is established at the nearest whole dollar number and must be adopted by the department before July 1 of each year.

(5) "Beneficiary" means:

(a) a surviving spouse living with or legally entitled to be supported by the deceased at the time of injury;

(b) an unmarried child under 18 years of age;

(c) an unmarried child under 22 years of age who is a full-time student in an accredited school or is enrolled in an accredited apprenticeship program;

(d) an invalid child over 18 years of age who is dependent, as defined in 26 U.S.C. 152, upon the decedent for support at the time of injury;

(e) a parent who is dependent, as defined in 26 U.S.C. 152, upon the decedent for support at the time of the injury if a beneficiary, as defined in subsections (5)(a) through (5)(d), does not exist; and

(f) a brother or sister under 18 years of age if dependent, as defined in 26 U.S.C. 152, upon the decedent for support at the time of the injury but only until the age of 18 years and only when a beneficiary, as defined in subsections (5)(a) through (5)(e), does not exist.

(6) "Business partner" means the community, governmental entity, or business organization that provides the premises for work-based learning activities for students.

(7) "Casual employment" means employment not in the usual course of the trade, business, profession, or occupation of the employer.

(8) "Child" includes a posthumous child, a dependent stepchild, and a child legally adopted prior to the injury.

(9) "Construction industry" means the major group of general contractors and operative builders, heavy construction (other than building construction) contractors, and special trade contractors, listed in major group 23 in the North American Industry Classification System Manual. The term does not include office workers, design professionals, salespersons, estimators, or any other related employment that is not directly involved on a regular basis in the provision of physical labor at a construction or renovation site.

(10) "Days" means calendar days, unless otherwise specified.

(11) "Department" means the department of labor and industry.

(12) "Fiscal year" means the period of time between July 1 and the succeeding June 30.

(13) "Household or domestic employment" means employment of persons other than members of the household for the purpose of tending to the aid and comfort of the employer or members of the employer's family, including but not limited to housecleaning and yard work, but does not include employment beyond the scope of normal household or domestic duties, such as home health care or domiciliary care.

(14) "Insurer" means an employer bound by compensation plan No. 1, an insurance company transacting business under compensation plan No. 2, or the state fund under compensation plan No. 3.

(15) "Invalid" means one who is physically or mentally incapacitated.

(16) "Limited liability company" is as defined in 35-8-102.

(17) "Maintenance care" means treatment designed to provide the optimum state of health while minimizing recurrence of the clinical status.

(18) "Medical stability", "maximum healing", or "maximum medical healing" means a point in the healing process when further material improvement would not be reasonably expected from primary medical treatment.

(19) "Objective medical findings" means medical evidence, including range of motion, atrophy, muscle strength, muscle spasm, or other diagnostic evidence, substantiated by clinical findings.

(20) "Order" means any decision, rule, direction, requirement, or standard of the department or any other determination arrived at or decision made by the department.

(21) "Palliative care" means treatment designed to reduce or ease symptoms without curing the underlying cause of the symptoms.

(22) "Payroll", "annual payroll", or "annual payroll for the preceding year" means the average annual payroll of the employer for the preceding calendar year or, if the employer has not operated a sufficient or any length of time during the calendar year, 12 times the average monthly payroll for the current year. However, an

estimate may be made by the department for any employer starting in business if average payrolls are not available. This estimate must be adjusted by additional payment by the employer or refund by the department, as the case may actually be, on December 31 of the current year. An employer's payroll must be computed by calculating all wages, as defined in 39-71-123, that are paid by an employer.

(23) "Permanent partial disability" means a physical condition in which a worker, after reaching maximum medical healing:

(a) has a permanent impairment established by objective medical findings;

(b) is able to return to work in some capacity but the permanent impairment impairs the worker's ability to work; and

(c) has an actual wage loss as a result of the injury.

(24) "Permanent total disability" means a physical condition resulting from injury as defined in this chapter, after a worker reaches maximum medical healing, in which a worker does not have a reasonable prospect of physically performing regular employment. Regular employment means work on a recurring basis performed for remuneration in a trade, business, profession, or other occupation in this state. Lack of immediate job openings is not a factor to be considered in determining if a worker is permanently totally disabled.

(25) The "plant of the employer" includes the place of business of a third person while the employer has access to or control over the place of business for the purpose of carrying on the employer's usual trade, business, or occupation.

(26) "Primary medical services" means treatment prescribed by a treating physician, for conditions resulting from the injury, necessary for achieving medical stability.

(27) "Public corporation" means the state or a county, municipal corporation, school district, city, city under a commission form of government or special charter, town, or village.

(28) "Reasonably safe place to work" means that the place of employment has been made as free from danger to the life or safety of the employee as the nature of the employment will reasonably permit.

(29) "Reasonably safe tools and appliances" are tools and appliances that are adapted to and that are reasonably safe for use for the particular purpose for which they are furnished.

(30) (a) "Secondary medical services" means those medical services or appliances that are considered not medically necessary for medical stability. The services and appliances include but are not limited to spas or hot tubs, work hardening, physical restoration programs and other restoration programs designed to address disability and not impairment, or equipment offered by individuals, clinics, groups, hospitals, or rehabilitation facilities.

(b) (i) As used in this subsection (30), "disability" means a condition in which a worker's ability to engage in gainful employment is diminished as a result of physical restrictions resulting from an injury. The restrictions may be combined with factors, such as the worker's age, education, work history, and other factors that affect the worker's ability to engage in gainful employment.

(ii) Disability does not mean a purely medical condition.

(31) "Sole proprietor" means the person who has the exclusive legal right or title to or ownership of a business enterprise.

(32) "Temporary partial disability" means a physical condition resulting from an injury, as defined in 39-71-119, in which a worker, prior to maximum healing:

(a) is temporarily unable to return to the position held at the time of injury because of a medically determined physical restriction;

(b) returns to work in a modified or alternative employment; and

(c) suffers a partial wage loss.

(33) "Temporary service contractor" means a person, firm, association, partnership, limited liability company, or corporation conducting business that hires its own employees and assigns them to clients to fill a work assignment with a finite ending date to support or supplement the client's workforce in situations resulting from employee absences, skill shortages, seasonal workloads, and special assignments and projects.

(34) "Temporary total disability" means a physical condition resulting from an injury, as defined in this chapter, that results in total loss of wages and exists until the injured worker reaches maximum medical healing.

(35) "Temporary worker" means a worker whose services are furnished to another on a part-time or temporary basis to fill a work assignment with a finite ending date to support or supplement a workforce in situations resulting from employee absences, skill shortages, seasonal workloads, and special assignments and projects.

(36) "Treating physician" means a person who is primarily responsible for the treatment of a worker's compensable injury and is:

(a) a physician licensed by the state of Montana under Title 37, chapter 3, and has admitting privileges to practice in one or more hospitals, if any, in the area where the physician is located;

(b) a chiropractor licensed by the state of Montana under Title 37, chapter 12;

(c) a physician assistant-certified licensed by the state of Montana under Title 37, chapter 20, if there is not a treating physician, as provided for in subsection (36)(a), in the area where the physician assistant-certified is located;

(d) an osteopath licensed by the state of Montana under Title 37, chapter ~~5~~ 3;

(e) a dentist licensed by the state of Montana under Title 37, chapter 4;

(f) for a claimant residing out of state or upon approval of the insurer, a treating physician defined in subsections (36)(a) through (36)(e) who is licensed or certified in another state; or

(g) an advanced practice registered nurse licensed by the state of Montana under Title 37, chapter 8, recognized by the board of nursing as a nurse practitioner or a clinical nurse specialist, and practicing in consultation with a physician licensed under Title 37, chapter 3, if there is not a treating physician, as provided for in subsection (36)(a), in the area in which the advanced practice registered nurse is located.

(37) "Work-based learning activities" means job training and work experience conducted on the premises of a business partner as a component of school-based learning activities authorized by an elementary, secondary, or postsecondary educational institution.

(38) "Year", unless otherwise specified, means calendar year."

Section 29. Section 50-5-105, MCA, is amended to read:

"50-5-105. Discrimination prohibited. (1) All phases of the operation of a health care facility must be without discrimination against anyone on the basis of race, creed, religion, color, national origin, sex, age, marital status, physical or mental disability, or political ideas.

(2) (a) A health care facility may not refuse to admit a person to the facility solely because the person has an HIV-related condition.

(b) For the purposes of this subsection (2), the following definitions apply:

(i) "HIV" means the human immunodeficiency virus identified as the causative agent of acquired immunodeficiency syndrome (AIDS) and includes all HIV and HIV-related viruses that damage the cellular branch of the human immune or neurological system and leave the infected person immunodeficient or neurologically impaired.

(ii) "HIV-related condition" means any medical condition resulting from an HIV infection, including but not limited to seropositivity for HIV.

(3) A person who operates a facility may not discriminate among the patients of licensed physicians. The free and confidential professional relationship between a licensed physician and patient must continue and remain unaffected.

(4) Except for a hospital that employs its medical staff, a hospital considering an application for staff membership or granting privileges within the scope of the applicant's license may not deny the application or

privileges because the applicant is licensed under Title 37, chapter ~~5 or~~ 6.

(5) This section does not preclude a hospital from limiting membership or privileges based on education, training, or other relevant criteria."

NEW SECTION. **Section 30. Repealer.** Sections 37-5-101, 37-5-102, 37-5-301, 37-5-302, 37-5-305, 37-5-307, and 37-5-312, MCA, are repealed.

NEW SECTION. **Section 31. Severability.** If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

NEW SECTION. **Section 32. Saving clause.** [This act] does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act].

NEW SECTION. **Section 33. Effective date.** [This act] is effective July 1, 2003.

- END -

MINUTES

MONTANA SENATE
58th LEGISLATURE - REGULAR SESSION

COMMITTEE ON BUSINESS AND LABOR

Call to Order: By **VICE CHAIRMAN MIKE SPRAGUE**, on January 17, 2003 at 9:06 A.M., in Room 422 Capitol.

ROLL CALL

Members Present:

Sen. Dale Mahlum, Chairman (R)
Sen. Mike Sprague, Vice Chairman (R)
Sen. Sherm Anderson (R)
Sen. Vicki Cocchiarella (D)
Sen. Kelly Gebhardt (R)
Sen. Ken (Kim) Hansen (D)
Sen. Sam Kitzenberg (R)
Sen. Glenn Roush (D)
Sen. Don Ryan (D)
Sen. Carolyn Squires (D)

Members Excused: Sen. Bob Keenan (R)
Sen. Fred Thomas (R)

Members Absent: None.

Staff Present: Sherrie Handel, Committee Secretary
Eddye McClure, Legislative Branch

Please Note. These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing & Date Posted: SB 109, 12/20/2002
Executive Action: SB 101

{Tape: 1; Side: A}

HEARING ON SB 109

Sponsor: SENATOR WALTER MCNUTT, SD 50, SIDNEY

Proponents: Kevin Braun, Department of Labor & Industry; Jim Brown, Business Standards Division of the Department of Labor & Industry; Dr. Arthur Fink, Board of Medical Examiners; Jim Smith, Montana Pharmacy Association; Lee Wiser, Denturists.

Opponents: None

Informational Witnesses: Rebecca Deschamps, Executive Director of the Board of Pharmacy; Lisa Addington, Health Care Licensing Chief.

Opening Statement by Sponsor:

SEN. WALTER MCNUTT said this bill is a combined professional and occupational health licensing board housekeeping bill as requested by the Department of Labor & Industry, Business Standards Division, Healthcare Licensing Bureau. The bill addresses statutes governing the Boards of Pharmacy, Medical Examiner, Dentistry, Chiropractic, Funeral Services and Alternative Health Care. The bill eliminates the need for each board to submit a separate bill.

Proponents' Testimony:

Kevin Braun, Department of Labor & Industry, distributed proposed amendments and addressed each of them, **EXHIBIT(bus10a01).**

Jim Brown, Business Standards Division of the Department of Labor & Industry, offered written testimony, **EXHIBIT(bus10a02).**

Arthur Fink, D.O., practicing internist from Glendive and a member of the Board of Medical Examiners, had been asked to discuss the proposal for SB 109 updating the language to get the medical statutes in concert with modern practice. He said osteopathic physicians have been comparable to M.D.'s since 1977 in all states of the union. Prior to that, there were some osteopaths who did not have a full internship nor residency programs. The reality is osteopaths throughout Montana have full prescriptive powers equal to and coexistent with M.D.'s. He advised the committee that wherever it said "physician" in their statutes, it should not only say M.D., but also D.O. **Dr. Fink** also shared that the accrediting agency is different for osteopathic residency programs, and it should be so listed.

Jim Smith, Montana Pharmacy Association, offered their support of SB 109, in particular the provisions in Section 1 that would add a registered pharmacy technician to the Board of Pharmacy. This profession in healthcare has changed and it seems appropriate to add a registered pharmacy technician to this board. They are interested in three of the amendments that change "licensed" to "registered."

Lee Wiser, denturist from Bozeman, gave his support to SB 109.

Opponents' Testimony: None

Questions from Committee Members and Responses:

SEN. DON RYAN asked **Mr. Braun** about striking "Board of Nursing" from Section 2 on No. 9 of the amendments. **Ms. McClure** clarified this by saying the amendment would strike Section 2 in its entirety and does not delete the Board of Nursing.

SEN. CAROLYN SQUIRES wanted clarification on the makeup of the Board of Nursing and **Mr. Braun** stated it is made up of four RN's, three LPN's, and two consumers. She also asked **Mr. Smith** about the makeup of the Pharmacy Board and the fact that it is an even number.

{Tape: 1; Side: B}

Ms. Rebecca Deschamps stated her appreciation for **SEN. SQUIRES'** concern about the even number of members on the Pharmacy Board. The duties of pharmacists have been greatly expanded. They are no longer dispensers of medication; they have gone on to a more clinical role. They are dependent on technicians to do that. She didn't believe the pharmacists, who requested the voice of technicians, would have a problem with it. From the financial end of it, she did not know if they could sustain two more members.

SEN. SQUIRES asked **SEN. MCNUTT** if there were funds available through the Board of Pharmacy, would he consider putting another person on the board. He said he wanted to get the opinion of the pharmacists before that time.

SEN. VICKI COCCHIARELLA addressed **Ms. Deschamps.** She asked if there are enough registered pharmacy technicians out there to meet the five-year requirement. **Ms. Deschamps** answered in the affirmative. **SEN. COCCHIARELLA** asked **Ms. Deschamps** to speak with the members of the Board of Pharmacy about the option of putting another Pharmacy Technician on the board.

SEN. RYAN had a question on Section 13 for **Ms. Lisa Addington** about taking the exam. He said dentists in his area who are ready to retire are having a hard time selling their practice. She replied that the Board of Dentistry utilizes the Western Regional Examination and it is offered 16 times per year. There is also reciprocity if an individual is licensed in another state. **SEN. RYAN** asked **Ms. Addington** where the regional exam is given. She answered that it includes Arizona, Idaho and Montana, but didn't recall all of the states.

Closing by Sponsor:

SEN. MCNUTT thanked the committee for a good hearing and asked for a do pass of SB 109.

EXECUTIVE ACTION ON SB 101

Discussion:

CHAIRMAN DALE MAHLUM asked **SEN. MIKE SPRAGUE** to continue on with executive action, because **SEN. MAHLUM** was the sponsor of SB 101.

Ms. Eddye McClure explained the amendments handed out at the hearing for SB 101.

SEN. GEBHARDT raised the issue of lines 6 and 7 on page 5 being stricken and general fund issues. **Jeff Tiberi, Executive Director of the Montana Heritage Protection Commission,** quoted that parliament cannot bind the hands of future parliaments. He said that because it was a past session of legislature, they can't tie the hands of present legislators. Their intent is not to tap into the General Fund.

SEN. SPRAGUE asked **Ms. McClure** if that means they have to come back every legislative session. **Ms. McClure** stated it means that you can't give carte blanche for the next legislature. It is the intent of the 58th Legislature.

SEN. MAHLUM said he would like to see the amendment put in the 58th Legislature again, because, by taking it out, it creates skepticism amongst fellow legislatures on the Senate Floor, which is not the intent.

SEN. COCCHIARELLA asked **Ms. McClure** why does the language have to be that specific? **Ms. McClure** replied it is because we can't appropriate money beyond the legislative two years that you're in office. You can't bind the next legislature as to what they will or will not be able to appropriate.

SENATE BUSINESS & INDUSTRY
EXHIBIT NO. 1
DATE 4/17/03
BILL NO. SB109

Amendments to Senate Bill No. 109
Senate 1st Reading Copy

By Request of:

January 17, 2003

1. Title, lines 6-7.
Following: "PHARMACY;"
Strike: "ADDING TWO REGISTERED NURSES TO THE BOARD OF NURSING;"

2. Title, line 13.
Following: "REVOKED;"
Insert: "MODIFYING CHIROPRACTIC LICENSING AND EXAMINATION REQUIREMENTS;"

3. Title, line 14.
Following: "ACCUPUNCTURISTS;"
Insert: "REMOVING THE REEXAMINATION ELIGIBILITY PERIOD FOR HEARING AID DISPENSERS"

4. Title, line 19.
Following: "2-15-1733,"
Strike: "2-15-1734,"

5. Title, line 21.
Following: "37-12-102,"
Insert: "37-12-302, 37-12-304,"
Following: "37-13-306"
Insert: "37-16-403

6. Page 1, line 30.
Following: "a"
Strike: "licensed"
Insert: "registered"

7. Page 2, line 8.
Following: "A"
Stike: "licensed"
Insert: "registered"

8. Page 2, line 9.
Following: "A"
Strike: "licensed"
Insert: "registered"

9. Page 2, line 27 through page 3, line 21.
Strike: section 2 in its entirety
Renumber: subsequent sections.

10. Page 6, line 9.
Following: "'M.D.'"
Insert: ",'D.O.'"

11. Page 15, following line 12.
Insert: " **Section 19.** Section 37-12-302, MCA, is amended to read: " **37-12-302. Applications -- qualifications -- fees.** (1) A person wishing to practice chiropractic in this state shall make application to the department, on the form and in the manner prescribed by the board~~, at least 21 days prior to a meeting of the board~~. Each applicant must be a graduate of or expect to graduate within 90 days prior to the next licensing examination administered by the board from a college of chiropractic approved by the board, in which the applicant has attended a course of study of 4 school years of not less than 9 months each. The applicant shall present evidence showing proof of a bachelor's degree from an accredited college or university. Application must be made in writing, must be sworn to by an officer authorized to administer oaths, and must recite the history of applicant's educational qualifications, how long the applicant has studied chiropractic, of what school or college the applicant is a graduate, and the length of time the applicant has been engaged in practice. The application must be accompanied with copies of diplomas and certificates and satisfactory evidence of good character and reputation.

(2) The applicant shall pay to the department a license fee prescribed by the board. A fee must also be paid for a subsequent examination and application.

(3) A person who is licensed in another state or who previously graduated from or was enrolled in a chiropractic college accredited by the council on chiropractic education on or before October 1, 1995, is exempt from the bachelor's degree requirement.

Section 20. Section 37-12-304, MCA, is amended to read:

" **37-12-304. Examinations -- subjects.** (1) Applicants for a license to practice chiropractic must have passed an examination prescribed by the Board. ~~Examinations for a license to practice chiropractic must be made by the~~

~~department, subject to 37-1-101, according to the method considered by the board to be the most practicable and expeditious to test the applicant's qualifications. The application must be designated by a number instead of the applicant's name so that the identity will not be discovered or disclosed until after the examination papers are graded.~~

~~(2) Examinations must be administered on subjects taught in chiropractic colleges, on the provisions of this chapter, and on other provisions of the Montana Code Annotated pertaining to the practice of chiropractic. A license must be granted to applicants who correctly answer 75% of all questions asked, including x-ray questions. If an applicant fails to answer correctly 60% of the questions on any branch of the examination, the applicant is not entitled to a license.~~

~~(3)~~ (2) The board may accept the grades an applicant has received in the examinations given by the national board of chiropractic examiners and may authorize the department to issue a license without further examination to an applicant who holds a valid certificate from the national board of chiropractic examiners if the applicant meets the other requirements of this chapter. The board may require an applicant to satisfactorily pass a clinical proficiency examination before being issued a license, even though the applicant holds a valid certificate from the national board of chiropractic examiners."

Renumber: subsequent sections.

12. Page 16, following line 5

Insert: " **Section 20.** Section 37-16-403, MCA, is amended to read: **37-16-403. Examinations -- time and place -- number of failures allowed.** (1) An applicant for a license who is notified by the department that the applicant has fulfilled the requirements of 37-16-402 shall appear at a time and place designated by the board to take written and practical examinations in order to demonstrate that the applicant is qualified to practice the fitting of hearing aids and related devices.

~~(2) An applicant who fails two successive practical examinations is eligible for reexamination after 2 years have elapsed since the date of the applicant's last examination and after the applicant has completed additional training or education recognized by the board.~~"

Renumber: subsequent sections.

SENATE BUSINESS & INDUSTRY
EXHIBIT NO. 2
DATE 1-17-03
BILL NO. 109

Senate Bill 109
Short Testimony before the Senate Business and Labor Committee
January 17, 2003

Presented by:
James "Jim" Brown, Administrator, Business Standards Division,
Department of Labor and Industry

SB109 is a combined housekeeping bill addressing the statutes of six professional health care licensing boards, namely the Boards of Pharmacy, Medical Examiners, Dentistry, Chiropractors, Funeral Service, and Alternative Health Care. With the Department's proposed amendments, the statutes of the Board of Hearing Aid Dispensers is added to the list. To the best of my knowledge, none of the amendments proposed in this bill are considered controversial.

Board of Pharmacy (Section 1): The Board and the Department propose to increase the Board's membership by one person, from five members to six members. That sixth member must be a registered pharmacy technician. During the 2001 Legislative Session, House Bill 279 was passed which required the registration of pharmacy technicians. There are now approximately 360 registered pharmacy technicians and 211 pharmacy technicians in training. The Board believes registered pharmacy technicians should be represented on the Board. The Board will then have six members, three licensed pharmacists, two public members, and one registered pharmacy technician.

We are also submitting an amendment to strike the word "licensed" and insert the word "registered." This change allows the language to be consistent with the profession's usage when referring to registered pharmacists and registered pharmacy technicians.

Board of Nursing (Section 2): The Board of Nursing and the Department are submitting an amendment to remove from this bill the addition of two registered nurses to the Board. We have recently learned that there may be some opposition to the proposal. Therefore, we believe it would be in the best interest of all those involved to remove this section and allow us to work with all interested parties over the next two years to determine the needs of the Board.

Board of Medical Examiners (Sections 3 through 12, 17 through 19, 22 through 24, and 28 through 30): The Board of Medical Examiners licenses and regulates physicians, osteopaths, podiatrists, physician assistants-certified, nutritionists, acupuncturists, and emergency medical technicians. The Board licenses doctors of osteopathy along with doctors of medicine. A doctor of osteopathy has all of the power and authority to treat diseases that a medical doctor has. The Board and the Department propose to repeal Title 37, chapter 5, osteopathy, in its entirety. Doctors of osteopathy

will then be governed under Title 37, chapter 3, Medicine. This repeal results in the amending of many other statutes to specifically exclude or include osteopathy. Dr. Arthur Fink, a doctor of osteopathy and a member of the Board, is here today to provide testimony in regards to the repeal of the osteopathy statutes.

Another change we propose is to re-word the impairment program statute to make it clear that the Board has the authority to assist and help rehabilitate any licensee (not just a doctor) under the Board's jurisdiction who is impaired by a substance abuse problem or other chronic mental or physical ailment.

The last change for the Board of Medical Examiners is to standardize the renewal process for physicians, podiatrists, physician assistants-certified, and acupuncturist. We propose lapsing licenses not renewed, rather than revoking them. Treating the license as being lapsed avoids the negative connotations that might arise from saying the license has been revoked by the Board. Revocation of a license is a disciplinary action. The federal government requires the Board report to the National Practitioners Databank (NPDB) the names of those licensees revoked. NPDB was established to track disciplinary actions taken against licensees. The intent is to report those licensees that are revoked because of disciplinary reasons and not for failure to renew.

Board of Dentistry (Sections 13 through 16, and section 27): The Board of Dentistry licenses dentists, denturists, and dental hygienists. The Board and the Department propose to streamline the application and license issuance process for dentists and dental hygienists by eliminating unnecessary steps. Under current law, an applicant first has to pay an application fee and after passing the exam, pay a separate license fee for the issuance of the license. We propose the fees be rolled together as a single application fee. This will allow the license to be issued as soon as an applicant passes the jurisprudence examination. In addition, we propose removing a statutory deadline for filing applications because it is no longer necessary in our processing procedures.

And, like the Board of Medical Examiners, we propose re-wording of the impairment program statute to make it clear that the Board has the authority to assist and help rehabilitate any licensee (not just a dentist) under the Board's jurisdiction who becomes impaired due to a substance abuse problem or mental or physical illness. In like manner, we propose rewording the reporting requirements on incompetence or unprofessional conduct to include all the licensees of the Board and not just dentists.

The last change for the Board of Dentistry is to repeal the initial start-up fees set in statute for denturists. This statute is no longer needed. All licensing boards attached to the Department set fees commensurate with costs through the administrative rulemaking process.

Board of Funeral Service (Sections 20 and 21): The Board of Funeral Services licenses morticians and funeral directors (the people) as well as mortuaries (the funeral home facilities) and crematories, and the crematory operators and technicians. We propose that the requirement a mortician serve a one year internship in Montana be changed to allow that internship to be served outside of Montana. In response to a Legislative Audit exception, we are requesting that the statutory mandate for administration of the mortician's examination on the second Wednesday in July be be removed. The Board uses a national examination and examination dates are set by the testing agency.

Board of Alternative Health Care (Sections 25 and 26): The Board of Alternative Health Care and the Department propose to change the rule-making authority of the Board of Alternative Health Care by removing the mandate for certain rules and making that rule-making discretionary with the Board. We are also proposing to clarify that the direct-entry midwifery examination is prepared by a national testing agency and is no longer prepared by the physician on the Board in consultation with a certified nurse midwife. The Board uses a national examination. These changes are in response to a Legislative Audit exception.

Chiropractors (Amendment): The amendment regarding Chiropractors removes a statutory deadline in the application process and removes statutory language regarding examination subjects and the administration and scoring of the exam. The Board now uses a national examination so these requirements are no longer necessary. These changes are in response to a Legislative Audit exception.

Hearing Aid Dispensers (Amendment): Our amendment to remove a two-year waiting period if the examination is failed twice for the Hearing Aid Dispensers is at the request of an interested party. Our research revealed that the two-year waiting period does appear to be restrictive and does lack merit.

MONTANA SENATE
2003 LEGISLATURE
BUSINESS & LABOR COMMITTEE
ATTENDANCE

DATE: January 17, 2003

NAME	PRESENT	EXCUSED	ABSENT
SENATOR DALE MAHLUM, CHAIR	✓		
SENATOR MIKE SPRAGUE, VICE CHAIR	✓		
SENATOR SHERM ANDERSON	✓		
SENATOR VICKI COCCHIARELLA	✓		
SENATOR KELLY GEBHARDT	✓		
SENATOR BOB KEENAN		✓	
SENATOR SAM KITZENBERG	✓		
SENATOR KEN HANSEN	✓		
SENATOR GLENN ROUSH	✓		
SENATOR DON RYAN	✓		
SENATOR CAROLYN SQUIRES	✓		
SENATOR FRED THOMAS		✓	

DATE January 17, 2003

SENATE COMMITTEE ON Business and Labor

BILLS BEING HEARD TODAY: SB109

PLEASE PRINT

NAME	PHONE	REPRESENTING	BILL #	SUPPORT	OPPOSE	
JEANNIE WORSECK	841-2360	BOME	SB109			
DR. ARTHUR FINK	841-2360	BOME	SB109			
Kevin Braun	4656	DOLI	109	X		
James S Brown	896-2042	DLI	109	✓		
Rebecca Deschamps	841-2355	DLI-B.P	109			Info
Lisa Addington	841-2303	DLI-HCLB	109			
Dee Wiser	587-3631	DENTURISTS	SB109			
Steve Yeakel	449-7244	MT Funeral Directors Assn	SB109	✓		

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

MINUTES

MONTANA SENATE
58th LEGISLATURE - REGULAR SESSION

COMMITTEE ON BUSINESS AND LABOR

Call to Order: By **CHAIRMAN DALE MAHLUM**, on January 22, 2003 at 9:01 A.M., in Room 422 Capitol.

ROLL CALL

Members Present:

Sen. Dale Mahlum, Chairman (R)
Sen. Mike Sprague, Vice Chairman (R)
Sen. Sherm Anderson (R)
Sen. Vicki Cocchiarella (D)
Sen. Kelly Gebhardt (R)
Sen. Ken (Kim) Hansen (D)
Sen. Sam Kitzenberg (R)
Sen. Glenn Roush (D)
Sen. Don Ryan (D)
Sen. Carolyn Squires (D)

Members Excused: Sen. Bob Keenan (R)
Sen. Fred Thomas (R)

Members Absent: None.

Staff Present: Sherrie Handel, Committee Secretary
Eddye McClure, Legislative Branch

Please Note. These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing & Date Posted: SB 172, 1/8/2003
Executive Action: SB 172; SB 109; SB 162; SB 171

{Tape: 1; Side: A}

EXECUTIVE ACTION ON SB 172

SEN. MIKE SPRAGUE moved **DO PASS** on SB 172 as amended. The vote was unanimous.

EXECUTIVE ACTION ON SB 109

After explanation of the amendments by **Eddye McClure, Legislative Staffer, SEN. VICKI COCCHIARELLA** moved **DO PASS** on SB 109 as amended, **EXHIBIT(bus13a03)** (SB010901.aem). The vote was unanimous.

{Tape: 1; Side: B}

EXECUTIVE ACTION ON SB 162

Kevin Braun, Department of Labor & Industry, informed the committee on some of the details surrounding tax credits that all employers receive when they are in conformance with federal guidelines. He stated either tax credit is equal to 5.8 percent of the taxable wages and the computed tax itself is 6.2 percent. Employers are responsible for paying the full 6.2 percent, which is a tax disadvantage when compared to schedules in this state.

Pat Melby, Montana Ski Areas Association, distributed a copy of an Internal Revenue Service (IRS) publication describing no-additional-cost services, **EXHIBIT(bus13a04).** He noted it does not mention skiing privileges.

{Tape: 2; Side: A}

SEN. SPRAGUE moved **DO PASS** on SB 162 as amended, **EXHIBIT(bus13a05)** (SB016201.aem). The vote was 9-1 in favor of the motion with **SEN. COCCHIARELLA** voting no.

EXECUTIVE ACTION ON SB 171

CHAIRMAN DALE MAHLUM explained that some of his constituents were concerned about Wal-Mart's policy of allowing recreational vehicles (R.V.'s) to spend the night in their parking lots without charging a bed tax while other R.V. parks had to charge

SENATE BUSINESS & INDUSTRY
EXHIBIT NO. 3
DATE 1-22-03
BILL NO. 109

Amendments to Senate Bill No. 109
1st Reading Copy

Requested by Senator Walter McNutt

For the Senate Business and Labor Committee

Prepared by Eddye McClure
January 21, 2003 (11:00am)

1. Title, page 1, line 6 through line 7.
Following: "PHARMACY;"
Strike: remainder of line 6 through "NURSING;" on line 7

2. Title, page 1, line 13.
Following: "REVOKED;"
Insert: "MODIFYING CHIROPRACTIC LICENSING AND EXAMINATION REQUIREMENTS;"

3. Title, page 1, line 14.
Following: "ACUPUNCTURISTS;"
Insert: "REMOVING THE LIMITATION ON THE REEXAMINATION ELIGIBILITY PERIOD FOR HEARING AID DISPENSERS;"

4. Title, page 1, line 19.
Following: "2-15-1733,"
Strike: "2-15-1734,"

5. Title, page 1, line 21.
Following: "37-12-102,"
Insert: "37-12-302, 37-12-304,"
Following: "37-13-306,"
Insert: "37-16-403,"

6. Page 1, line 30.
Following: "a"
Strike: "licensed"
Insert: "registered"

7. Page 2, line 8.
Following: "A"
Strike: "licensed"
Insert: "registered"

8. Page 2, line 9.
Following: "A"
Strike: "licensed"
Insert: "registered"

9. Page 2, line 27 through page 3, line 21.
Strike: section 2 in its entirety
Renumber: subsequent sections

10. Page 6, line 9.
Following: "M.D."
Insert: ", "D.O.,""

11. Page 15, line 12.
Following: line 11
Insert: **"Section 18.** Section 37-12-302, MCA, is amended to read:

"37-12-302. Applications -- qualifications -- fees. (1) A person wishing to practice chiropractic in this state shall make application to the department, on the form and in the manner prescribed by the board~~, at least 21 days prior to a meeting of the board~~. Each applicant must be a graduate of or expect to graduate within 90 days prior to the next licensing examination administered by the board from a college of chiropractic approved by the board, in which the applicant has attended a course of study of 4 school years of not less than 9 months each. The applicant shall present evidence showing proof of a bachelor's degree from an accredited college or university. Application must be made in writing, must be sworn to by an officer authorized to administer oaths, and must recite the history of applicant's educational qualifications, how long the applicant has studied chiropractic, of what school or college the applicant is a graduate, and the length of time the applicant has been engaged in practice. The application must be accompanied with copies of diplomas and certificates and satisfactory evidence of good character and reputation.

(2) The applicant shall pay to the department a license fee prescribed by the board. A fee must also be paid for a subsequent examination and application.

(3) A person who is licensed in another state or who previously graduated from or was enrolled in a chiropractic college accredited by the council on chiropractic education on or before October 1, 1995, is exempt from the bachelor's degree requirement."

{Internal References to 37-12-302: None.}"
Insert: **"Section 19.** Section 37-12-304, MCA, is amended to read:

"37-12-304. Examinations -- subjects. (1) ~~Examinations for a license to practice chiropractic must be made by the department, subject to 37-1-101, according to the method considered by the board to be the most practicable and expeditious to test the applicant's qualifications. The application must be designated by a number instead of the applicant's name so that the identity will not be discovered or disclosed until after the examination papers are graded~~ Applicants for a license to practice chiropractic must have passed an examination prescribed by the board.

~~(2) Examinations must be administered on subjects taught in chiropractic colleges, on the provisions of this chapter, and on other provisions of the Montana Code Annotated pertaining to the practice of chiropractic. A license must be granted to applicants who correctly answer 75% of all questions asked, including x-ray questions. If an applicant fails to answer correctly 60% of the questions on any branch of the examination, the applicant is not entitled to a license.~~

~~(3)~~(2) The board may accept the grades an applicant has received in the examinations given by the national board of chiropractic examiners and may authorize the department to issue a license without further examination to an applicant who holds a valid certificate from the national board of chiropractic examiners if the applicant meets the other requirements of this chapter. The board may require an applicant to satisfactorily pass a clinical proficiency examination before being issued a license, even though the applicant holds a valid certificate from the national board of chiropractic examiners."
{*Internal References to 37-12-304: None.*}"
Renumber: subsequent sections

12. Page 16, line 5.
Following: line 4
Insert: "Section 21. Section 37-16-403, MCA, is amended to read:
"37-16-403. Examinations -- time and place ~~-- number of failures allowed.~~ ~~(1)~~ An applicant for a license who is notified by the department that the applicant has fulfilled the requirements of 37-16-402 shall appear at a time and place designated by the board to take written and practical examinations in order to demonstrate that the applicant is qualified to practice the fitting of hearing aids and related devices.
~~(2) An applicant who fails two successive practical examinations is eligible for reexamination after 2 years have elapsed since the date of the applicant's last examination and after the applicant has completed additional training or education recognized by the board.~~"
{*Internal References to 37-16-403:*
x37-16-202 *x37-16-202* *x37-16-404* *x37-16-405* }"
Renumber: subsequent sections

- END -

MONTANA SENATE
2003 LEGISLATURE
BUSINESS & LABOR COMMITTEE
ATTENDANCE

DATE: January 22, 2003

NAME	PRESENT	EXCUSED	ABSENT
SENATOR DALE MAHLUM, CHAIR	✓		
SENATOR MIKE SPRAGUE, VICE CHAIR	✓		
SENATOR SHERM ANDERSON	✓		
SENATOR VICKI COCCHIARELLA	✓		
SENATOR KELLY GEBHARDT	✓		
SENATOR BOB KEENAN		✓	
SENATOR SAM KITZENBERG	✓		
SENATOR KEN HANSEN	✓		
SENATOR GLENN ROUSH	✓		
SENATOR DON RYAN	✓		
SENATOR CAROLYN SQUIRES	✓		
SENATOR FRED THOMAS		✓	

SENATE STANDING COMMITTEE REPORT

Mr. President:

We, your committee on **Business and Labor** recommend that **Senate Bill 109** (first reading copy -- white) **do pass as amended.**

Signed: _____
Senator Dale Mahlum, Chair

And, that such amendments read:

1. Title, page 1, line 6 through line 7.
Following: "PHARMACY;"
Strike: remainder of line 6 through "NURSING;" on line 7

2. Title, page 1, line 13.
Following: "REVOKED;"
Insert: "MODIFYING CHIROPRACTIC LICENSING AND EXAMINATION REQUIREMENTS;"

3. Title, page 1, line 14.
Following: "ACUPUNCTURISTS;"
Insert: "REMOVING THE LIMITATION ON THE REEXAMINATION ELIGIBILITY PERIOD FOR HEARING AID DISPENSERS;"

4. Title, page 1, line 19.
Following: "2-15-1733,"
Strike: "2-15-1734,"

5. Title, page 1, line 21.
Following: "37-12-102,"
Insert: "37-12-302, 37-12-304,"
Following: "37-13-306,"
Insert: "37-16-403,"

6. Page 1, line 30.
Following: "a"
Strike: "licensed"

Committee Vote:
Yes 10, No 0.

131243SC.ssc

Insert: "registered"

7. Page 2, line 8.
Following: "A"
Strike: "licensed"
Insert: "registered"

8. Page 2, line 9.
Following: "A"
Strike: "licensed"
Insert: "registered"

9. Page 2, line 27 through page 3, line 21.
Strike: section 2 in its entirety
Renumber: subsequent sections

10. Page 6, line 9.
Following: "M.D."
Insert: ", "D.O.,""

11. Page 15, line 12.
Following: line 11
Insert: **"Section 18.** Section 37-12-302, MCA, is amended to read:

"37-12-302. Applications -- qualifications -- fees. (1) A person wishing to practice chiropractic in this state shall make application to the department, on the form and in the manner prescribed by the board~~, at least 21 days prior to a meeting of the board~~. Each applicant must be a graduate of or expect to graduate within 90 days prior to the next licensing examination administered by the board from a college of chiropractic approved by the board, in which the applicant has attended a course of study of 4 school years of not less than 9 months each. The applicant shall present evidence showing proof of a bachelor's degree from an accredited college or university. Application must be made in writing, must be sworn to by an officer authorized to administer oaths, and must recite the history of applicant's educational qualifications, how long the applicant has studied chiropractic, of what school or college the applicant is a graduate, and the length of time the applicant has been engaged in practice. The application must be accompanied with copies of diplomas and certificates and satisfactory evidence of good character and reputation.

(2) The applicant shall pay to the department a license fee prescribed by the board. A fee must also be paid for a subsequent examination and application.

(3) A person who is licensed in another state or who previously graduated from or was enrolled in a chiropractic college accredited by the council on chiropractic education on or before October 1, 1995, is exempt from the bachelor's degree requirement."

"

Insert: "Section 19. Section 37-12-304, MCA, is amended to read:

"37-12-304. Examinations -- subjects. (1) ~~Examinations for a license to practice chiropractic must be made by the department, subject to 37-1-101, according to the method considered by the board to be the most practicable and expeditious to test the applicant's qualifications. The application must be designated by a number instead of the applicant's name so that the identity will not be discovered or disclosed until after the examination papers are graded~~ Applicants for a license to practice chiropractic must have passed an examination prescribed by the board.

~~(2) Examinations must be administered on subjects taught in chiropractic colleges, on the provisions of this chapter, and on other provisions of the Montana Code Annotated pertaining to the practice of chiropractic. A license must be granted to applicants who correctly answer 75% of all questions asked, including x-ray questions. If an applicant fails to answer correctly 60% of the questions on any branch of the examination, the applicant is not entitled to a license.~~

~~(3)~~(2) The board may accept the grades an applicant has received in the examinations given by the national board of chiropractic examiners and may authorize the department to issue a license without further examination to an applicant who holds a valid certificate from the national board of chiropractic examiners if the applicant meets the other requirements of this chapter. The board may require an applicant to satisfactorily pass a clinical proficiency examination before being issued a license, even though the applicant holds a valid certificate from the national board of chiropractic examiners.""

Renumber: subsequent sections

12. Page 16, line 5.

Following: line 4

Insert: "Section 21. Section 37-16-403, MCA, is amended to read:

"37-16-403. Examinations -- time and place ~~-- number of failures allowed.~~ ~~(1)~~ An applicant for a license who is notified by the department that the applicant has fulfilled the requirements of 37-16-402 shall appear at a time and place designated by the board to take written and practical examinations in order to demonstrate that the applicant is qualified to practice the fitting of hearing aids and related devices.

~~(2) An applicant who fails two successive practical examinations is eligible for reexamination after 2 years have elapsed since the date of the applicant's last examination and after the applicant has completed additional training or education recognized by the board.~~""

Renumber: subsequent sections

- END -

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
58th LEGISLATURE - REGULAR SESSION

COMMITTEE ON BUSINESS AND LABOR

Call to Order: By **CHAIRMAN JOE MCKENNEY**, on March 13, 2003 at 8:00 A.M., in Room 172 Capitol.

ROLL CALL

Members Present:

Rep. Joe McKenney, Chairman (R)
Rep. Jim Keane, Vice Chairman (D)
Rep. Donald Steinbeisser, Vice Chairman (R)
Rep. Bob Bergren (D)
Rep. Rod Bitney (R)
Rep. Sylvia Bookout-Reinicke (R)
Rep. Nancy Fritz (D)
Rep. Dave Gallik (D)
Rep. Kathleen Galvin-Halcro (D)
Rep. Ray Hawk (R)
Rep. Bob Lawson (R)
Rep. Rick Maedje (R)
Rep. Gary Matthews (D)
Rep. Scott Mendenhall (R)
Rep. Penny Morgan (R)
Rep. Allen Rome (R)
Rep. Sandy Weiss (D)
Rep. Bill Wilson (D)

Members Excused: None.

Members Absent: None.

Staff Present: Bart Campbell, Legislative Branch
Alberta Strachan, Committee Secretary

Please Note. These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing & Date Posted: SB 108 (3/10/03); SB 109 (3/10/03)
SB 190 (3/10/03)

Executive Action: SB 108 Be Concurred In; SB 190 Be Concurred In; SB 109 Be Concurred In As Amended

HEARING ON SB 108

Sponsor: SEN. WALTER L. McNUTT, SD 50, Sidney

Opening Statement by Sponsor:

SEN. McNUTT said this bill revised workers' compensation laws. It clarifies that insurance requirements apply only to workers in the state and reduces the length of the independent contractor exemption from three years to two years. It also requires the Department of Labor & Industry to maintain a three-month administrative cost balance in the Uninsured Employers' Fund and provides a $200 penalty for uninsured employers who fail to obtain insurance within 30 days after notice of the requirement to obtain workers' compensation insurance.
{Tape: 1; Side: A; Approx. Time Counter: 24 - 32}

Proponents' Testimony:

Kevin Braun, Department of Labor & Industry, said he supported the bill and explained the changes in the bill.
{Tape: 1; Side: A; Approx. Time Counter: 32 - 78}

Jerry Keck, Administrator, Employment Relations Division, Department of Labor & Industry, provided written testimony.
EXHIBIT(buh53a01)
{Tape: 1; Side: A; Approx. Time Counter: 78 - 171}

George Wood, Executive Secretary, Montana Self Insurers Association, said before drafting this bill, the Department of Labor contacted the Association for their opinions. There were some time-frame problems which were considered and remedied.
{Tape: 1; Side: A; Approx. Time Counter: 171 - 192}

Nancy Butler, Montana State Fund, said they supported this bill and concur with Mr. Wood's comments.
{Tape: 1; Side: A; Approx. Time Counter: 192 - 194}

Jacqueline Lenmark, American Insurance Association, said they supported this bill.
{Tape: 1; Side: A; Approx. Time Counter: 194 - 202}

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

REP. BOOKOUT-REINICKE asked Mr. Keck about the three-year to two-year reduction change for independent contractors. **Mr. Keck** said many of the people who are registered construction contractors automatically receive an independent contractor exemption when they apply for a construction contract. The three-year and two-year contract would be coordinated.
{Tape: 1; Side: A; Approx. Time Counter: 207 - 258}

REP. MORGAN asked Mr. Keck about the changes in fees. **Mr. Keck** stated the three-year contract would be $17.00 and the two-year contract would be $12.50.
{Tape: 1; Side: A; Approx. Time Counter: 258 - 300}

Closing by Sponsor:

The sponsor closed.
{Tape: 1; Side: A; Approx. Time Counter: 275 - 305}

REP. STEINBEISSER chaired the Committee.

HEARING ON SB 109

Sponsor: **SEN. WALTER McNUTT, SD 50, Sidney**

Opening Statement by Sponsor:

SEN. McNUTT said this bill would revise professional and occupational licensing laws by adding a pharmacy technician to the Board of Pharmacy.
{Tape: 1; Side: A; Approx. Time Counter: 305 - 318}

Proponents' Testimony:

Jim Brown, Business Standards Division, Department of Labor & Industry, explained the changes in the bill with regard to various professions. He also presented written testimony regarding each section change.
EXHIBIT(buh53a02)
{Tape: 1; Side: A; Approx. Time Counter: 318 - Tape: 1; Side: B; Approx. Time Counter: 22}

Jim Smith, Montana Pharmacy Association, said they supported the bill particularly the section relating to a pharmacy technician to the Board of Pharmacy.
{Tape: 1; Side: B; Approx. Time Counter: 22 - 40}

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

REP. BOOKOUT-REINICKE asked Mr. Brown about his testimony regarding denturists. **Mr. Brown** said when denturists became a part of the Board of Dentistry there were startup fees for licensing of denturists. Those fees are now adopted by administrative rule.
{Tape: 1; Side: B; Approx. Time Counter: 40 - 57}

REP. MORGAN asked Mr. Brown about the term "good moral character" regarding denturists. **Mr. Brown** said that term is referenced in all of the professions.
{Tape: 1; Side: B; Approx. Time Counter: 57 - 90}

Closing by Sponsor:

The sponsor closed.
{Tape: 1; Side: B; Approx. Time Counter: 90 - 100}

HEARING ON SB 190

Sponsor: SEN. JOHN BOHLINGER, SD 7, Billings

Opening Statement by Sponsor:

SEN. BOHLINGER said this bill established criteria for when a licensed dental hygienist may provide dental hygiene preventative services without the prior authorization or presence of a licensed dentist. It also defines "public health facility" and "public health supervision." This bill also requires the Board of Dentistry to adopt rules defining the qualifications necessary to obtain a limited-access permit and guidelines.
{Tape: 1; Side: B; Approx. Time Counter: 100 - 260}

Proponents' Testimony:

Sue Fisk, President, Montana Dental Hygienists Association, said every attempt has been made to address the public safety

nursing homes. Dental hygienists are very well versed in reading medical histories.
{Tape: 2; Side: A; Approx. Time Counter: 350 - 376}

REP. BERGREN asked REP. THOMAS if the hygienist was informed who they were permitted to treat and who they were not permitted to treat. **REP. THOMAS** said the rule-making authority was very evident in how the hygienist is involved in treatment.
{Tape: 2; Side: A; Approx. Time Counter: 376 - 447}

REP. MAEDJE asked REP. BOHLINGER about amendments. **REP. BOHLINGER** said, "No."

Closing by Sponsor:

The sponsor closed and indicated REP. SCHRUMPF would carry the bill on the House Floor.

EXECUTIVE ACTION ON SB 108

Motion/Vote: **REP. MORGAN moved that SB 108 BE CONCURRED IN. Motion carried 18-0.**

Motion: **REP. MORGAN moved SB 108 BE PLACED ON THE CONSENT CALENDAR. REP. BOOKOUT-REINICKE objected.**

REP. MATTHEWS will carry the bill on the House Floor.

EXECUTIVE ACTION ON SB 109

Motion: **REP. STEINBEISSER moved that SB 109 BE CONCURRED IN.**

Motion/Vote: **REP. MORGAN moved that SB 109 BE AMENDED. Motion carried 18-0.**
EXHIBIT(buh53a05)

Motion/Vote: **REP. MORGAN moved that SB 109 BE CONCURRED IN AS AMENDED. Motion carried 18-0.**

REP. HAWK will carry the bill on the House Floor.

SB
109
Narrative
14 pgs.

Exhibit: 2

This exhibit is a collection of several assorted documents which cannot be scanned because they exceed the maximum amount that can be scanned.

If you wish to view this exhibit it is on file at the
Montana Historical Society
225 North Roberts Street
Helena, MT 59701
(406) 444-4774

EXHIBIT 5
DATE 3-13-03
SB 109

Amendments to Senate Bill No. 109
3rd Reading Copy

For the House Business and Labor Committee

Prepared by Connie Erickson
March 11, 2003 (1:46pm)

1. Page 27.
Following: line 22
Insert: "NEW SECTION. **Section 33. Coordination instruction.** If House Bill No. 285 and [this act] are both passed and approved, then [section 20 of this act] is amended to read:
"Section 20. Section 37-13-306, MCA, is amended to read:
"37-13-306. Renewal -- fee -- military exemption. ~~(1) The~~ Except as provided in [section 2 of House Bill No. 285], the license to practice acupuncture must be renewed on a date set by the department, without examination and upon request of the licensee. The request for renewal must be on ~~forms~~ a form prescribed by the board and accompanied by a renewal fee prescribed by the board. The request and fee must be ~~in the hands of the secretary of the board~~ received at the board's office not later than the expiration date of the license.

~~(2) Immediately following the renewal date, the secretary shall notify all licensees from whom requests for renewal, accompanied by the renewal fee, have not been received that their licenses have expired and that they will be canceled and revoked upon the records of the board unless a request for renewal and reinstatement, accompanied by the renewal fee and an additional fee prescribed by the board, is in the hands of the secretary within 30 days of the renewal date.~~

~~(3) If the licensee fails to renew within 30 days following the renewal date, the secretary of the board shall cancel and revoke upon the board's records all licenses that have not been renewed or reinstated as provided by this chapter and shall notify the licensees whose licenses are revoked of the action.~~

~~(4) A licensee who allows the license to lapse by failing to renew or reinstate the license as provided in this section may subsequently reinstate the license upon good cause shown to the satisfaction of the board and upon payment of all renewal fees then accrued plus an additional fee prescribed by the board for each renewal period following the cancelling of the license.~~

~~(5) A person actively engaged in the military service of the United States and licensed to practice acupuncture as provided in this part is not required to pay the renewal fee or make application for renewal until the renewal date of the calendar period in which the person returns from military service to civilian or inactive status.~~"
{*Internal References to 37-13-306: None.*}"
"

- END -

HOUSE OF REPRESENTATIVES
Roll Call
BUSINESS AND LABOR COMMITTEE

DATE 3-13-03

NAME	PRESENT	ABSENT	EXCUSED
REP. JOE McKENNEY, CHAIR.	✓		
REP. DON STEINBEISSER, VICE CHAIR MAJORITY	✓		
REP. JIM KEANE, VICE CHAIR MINORITY	✓		
REP. BOB BERGREN	✓		
REP. ROD BITNEY	✓		
REP. SYLVIA BOOKOUT-REINICKE	✓		
REP. NANCY RICE FRITZ	✓		
REP. DAVE GALLIK	✓		
REP. KATHLEEN GALVIN-HALCRO	✓		
REP. RAY HAWK	✓		
REP. BOB LAWSON	✓		
REP. RICK MAEDJE	✓		
REP. GARY MATTHEWS	✓		
REP. SCOTT MENDENHALL	✓		
REP. PENNY MORGAN	✓		
REP. ALLEN ROME	✓		
REP. SANDY WEISS	✓		
REP. BILL WILSON	✓		

/s/Bus&LaborRollCall.2003

HOUSE STANDING COMMITTEE REPORT

Mr. Speaker:

We, your committee on **Business and Labor** recommend that **Senate Bill 109** (third reading copy -- blue) **be concurred in as amended.**

Signed: Joe McKenney
Representative Joe McKenney, Chair

To be carried by Representative Ray Hawk

And, that such amendments read:

1. Page 27.
Following: line 22
Insert: "NEW SECTION. **Section 33. Coordination instruction.** If House Bill No. 285 and [this act] are both passed and approved, then [section 20 of this act] is amended to read:
"Section 20. Section 37-13-306, MCA, is amended to read:
"37-13-306. Renewal -- fee -- military exemption. ~~(1) The~~ Except as provided in [section 2 of House Bill No. 285], the license to practice acupuncture must be renewed on a date set by the department, without examination and upon request of the licensee. The request for renewal must be on ~~forms~~ a form prescribed by the board and accompanied by a renewal fee prescribed by the board. The request and fee must be ~~in the hands of the secretary of the board~~ received at the board's office not later than the expiration date of the license.

~~(2) Immediately following the renewal date, the secretary shall notify all licensees from whom requests for renewal, accompanied by the renewal fee, have not been received that their licenses have expired and that they will be canceled and revoked upon the records of the board unless a request for renewal and reinstatement, accompanied by the renewal fee and an additional fee prescribed by the board, is in the hands of the secretary within 30 days of the renewal date.~~

~~(3) If the licensee fails to renew within 30 days following the renewal date, the secretary of the board shall cancel and~~

Committee Vote:
Yes 18, No 0.

531057SC.hhn

3/13/03

~~revoke upon the board's records all licenses that have not been renewed or reinstated as provided by this chapter and shall notify the licensees whose licenses are revoked of the action.~~

~~(4) A licensee who allows the license to lapse by failing to renew or reinstate the license as provided in this section may subsequently reinstate the license upon good cause shown to the satisfaction of the board and upon payment of all renewal fees then accrued plus an additional fee prescribed by the board for each renewal period following the cancelling of the license.~~

~~(5) A person actively engaged in the military service of the United States and licensed to practice acupuncture as provided in this part is not required to pay the renewal fee or make application for renewal until the renewal date of the calendar period in which the person returns from military service to civilian or inactive status.~~""

"

- END -

Montana House of Representatives
Visitors Register

BUSINESS & LABOR COMMITTEE Date 3-13-03

Bill No. SB 109 Sponsor(s)

PLEASE PRINT PLEASE PRINT PLEASE PRINT

Name and Address	Representing	Support	Oppose	Inf.
Jim Brown	DLI	✓		
Beck Desautels	DLI			✓
(OV) → ~~Steve Yonkosk~~	~~MT Funeral Directors Assn~~	~~✓~~		
Gloria Hermanson	MT Acad of Ophthal	✓		
LEE WISER	DENTURISTS	AS WRITTEN		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.